

To: Peterson, Mary[Peterson.Mary@epa.gov]; McCoy, Erin[McCoy.Erin@epa.gov]
Cc: Mills Brian (Safety)[brian.mills@titan-intl.com]; Mike Troyanovich[mike.troyanovich@titan-intl.com]; Damitio Jeremy (Legal)[jeremy.damitio@titan-intl.com]; Rita Conner[raconner@dmgov.org]
From: GTSI
Sent: Mon 2/29/2016 8:34:20 PM
Subject: Re: DICO Meeting in Des cMoines

Mary

Thank you for the comprehensive response; I just spoke to Erin to schedule a date. I will send all future communications to her attention. Please let me know if you want a CC?

I wanted to start the dialog with Region 7 and first highlight the important fact that **no action will be taken at the site without a written approval from USEPA in every step**. I can state to all concerned that the new leadership at Titan Legal is totally committed to doing this project in a compliant and fully cooperative fashion to achieve an amicable resolution.

The 10 acres I stated in my email are the ones classified as impacted by Industrial activities & involved in the ongoing maintenance. They (10 acres location) were specifically addressed in the 1994 UAO. My interpretation was based on the EPA directive to only fence the 10 acres away from the remaining 30 unused acres. I will go back to my notes and stand corrected if I am wrong.

Your statement " *I cannot tell from your email whether you are saying that Dico intends to conduct the sampling and analysis imminently*"

I cannot speak for DICO's commitments since I am a consultant, but as you recall, Mr. Troyanovich highlighted during the meeting, that the \$ involved will require "selling" and approval" to & by the Board of Directors.

My intent was to get your input (and Erin's) to see what parameters we will be testing for and would that be wipe tests or TCLP or totals to prepare a summary for Legal hence get quotations. I wanted Erin to see the site and will use both of your recommendations for testing in developing a proper plan once I am given the OK by Titan Legal to commence (you will be promptly notified). My email was merely my first step in working together to help DICO and the City to finally see some light at the end of this tunnel and to give Titan Intl. Legal an idea on the costs that will be part of the continued meetings with the City of Des Moines.

We can discuss contractors later but I do not see any issues because at all times, none of the EPA field staff gave us any reasons why not! But this is way too early to talk about, I was merely listing the steps.

Your statement: "*The second step will be to use the sampling results to determine appropriate waste disposal options, which will then support cost estimates for building demolition. These cost estimates will be useful in completing the third required steps, which is preparing (and ultimately finalizing)an amended ROD.*" **I fully agree with you**

Your paragraph: " Once EPA has completed the ROD amendment, appropriate steps can be taken to alter or terminate Dico's obligations under the UAO for Buildings 1,2 and 3 and the concrete pads from the buildings already removed. Only after the ROD is amended (which can occur only after the issuance of a proposed plan for public comment) and Dico's UAO obligations are altered or terminated can any building demolition take place. At that point, the ROD and, if demolition is to be conducted by Dico, appropriate orders or binding agreements, will govern the removal of the buildings. In any event, if Dico ultimately conducts the demolition after the ROD is amended, it will need to do so only subject to some enforceable document and only in close coordination with EPA, including the submission of work plans for the removal and disposal of hazardous materials for EPA approval prior to commencing the work. Obviously, the precise nature of that coordination cannot be fully known at this time."

I leave this issue to the Lawyers but wanted to bring up the value of the pads to the City of Des Moines and the potential buyers since if they meet EPA "Clean" standards , why waste them? It will be a big saving for construction and basing some plans on those pads. Something to consider.

Hopefully, the site visit will help both sides plus give Erin an idea on the site learning from our experience with the site since 1993.

Thank you

Respectfully

GGeorge

G. George, Ph.D

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On Monday, February 29, 2016 1:49 PM, "Peterson, Mary" <Peterson.Mary@epa.gov> wrote:

Gazi – Thanks for your email following up from our meeting with the city last week. I need to clarify a few matters conveyed in your email.

First, your email references 10 acres classified as the NPL site, which is not accurate. The NPL site known as the Des Moines TCE Site encompasses all of the Dico property (approximately 40 acres) and includes areas to the north formerly investigated as possible sources of TCE groundwater contamination.

Second, the process you described leaves out some important steps that must be completed before the buildings can be demolished because of the existing CERCLA requirements that apply to them. As you know, there is a Record of Decision and Unilateral Order that remain in effect regarding buildings 1, 2, and 3 as well as the concrete pads still present where buildings 4 and 5 and the western annex of building 3 used to be. The UAO and existing ROD require Dico to maintain the encapsulation actions performed in the buildings to contain the hazardous substances (i.e., PCBs and pesticides) that remain in the buildings (insulation, beams, concrete floors and walls). This ROD was based on an industrial land use scenario which was appropriate for that time. Given the anticipated change in land use as described by the city, the Record of Decision needs to be amended **before the buildings can be demolished**.

As you indicate in your email, the first step before any demolition planning can occur, let alone actual demolition, is to characterize the building materials (i.e, the insulation, concrete walls and pads, and steel beams beneath the encapsulation, among other things). The sampling and analytical work must be performed in accordance with an approved Work Plan and Quality Assurance Project Plan. Erin McCoy, EPA's project manager, will work with you and Brian Mills to develop the QAPP and oversee the sampling. I cannot tell from your email whether you are saying that Dico intends to conduct the sampling and analysis imminently, but I want to make sure you understand that EPA must approve Dico's plans for sampling the building materials before Dico takes any steps to do so.

The second step will be to use the sampling results to determine appropriate waste disposal options, which will then support cost estimates for building demolition. These cost estimates will be useful in completing the third required steps, which is preparing (and ultimately finalizing)an amended ROD.

Once EPA has completed the ROD amendment, appropriate steps can be taken to alter or terminate Dico's obligations under the UAO for Buildings 1,2 and 3 and the concrete pads from the buildings already removed. Only after the ROD is amended (which can occur only after the issuance of a proposed plan for public comment) and Dico's UAO obligations are altered or terminated can any building demolition take place. At that point, the ROD and, if demolition is to be conducted by Dico, appropriate orders or binding agreements, will govern the removal of the buildings. In any event, if Dico ultimately conducts the demolition after the ROD is amended, it will need to do so only subject to some enforceable document and only in close coordination with EPA, including the submission of work plans for the removal and disposal of hazardous materials for EPA approval prior to commencing the work. Obviously, the precise nature of that coordination cannot be fully known at this time.

While there are a number of administrative steps to complete, I believe that these can be accomplished fairly expeditiously, and in parallel with the legal agreements that will be needed to transfer ownership of the property (Prospective Purchaser Agreement and Consent Decree) as we discussed during the meeting last week.

Additionally, your email contains statements about contractor selection for building demolition. At this time, it is premature to discuss contractor selection for the demolition project. EPA does not necessarily agree with your assessment of the contractor's performance on the Ottumwa project, and EPA will ultimately need to approve the contractor selected to perform the work.

On a final note, my position at EPA has changed. I am no longer the primary contact for this project, and I ask that you direct future correspondence to Erin McCoy, the project manager assigned to this site. I will ask Erin to contact you directly to schedule the site visit to scope the building characterization work needed.

From: GTSI [mailto:gtsi2000@yahoo.com]
Sent: Wednesday, February 24, 2016 10:32 AM
To: Peterson, Mary <Peterson.Mary@epa.gov>; McCoy, Erin <McCoy.Erin@epa.gov>
Cc: Mills Brian (Safety) <brian.mills@titan-intl.com>; Mike Troyanovich <mike.troyanovich@titan-intl.com>; Damitio Jeremy (Legal) <jeremy.damitio@titan-intl.com>; Rita Conner <raconner@dmgov.org>
Subject: DICO Meeting in Des Moines

Mary and Erin

I am following up on the meeting with Mrs. Peterson, DOJ and the City of Des Moines regarding the vitalization of the location and reuse for the DICO property with emphasis on the 10 acres that has been classified as a Superfund (NPL).

In our conversations yesterday, we tried to strategize the project flow and that involved us 4 (Mary, Erin, Brian Mills and Gazi). I am getting quotes for building demolition that will not start unless the USEPA assigns testing parameters to establish a debris/insulation disposal guidelines. Mary will assess each building with parameters applicable based on historical use of buildings 1&2.

We will follow up on a visit to the site with Erin preferably on the week of March 21st 2016. (Tuesday &/or Wednesday) to coincide with the demolition/ Environmental cleanup contractor visit. We intend to utilize the same contractors that handled the Ottumwa cleanup since the project went flawlessly.

The above will clarify the sampling requirements before demo can begin.

No demolition will take place unless Mary and USEPA Region 7 sends DICO an authorization to proceed. The above proposed initial plan will help develop a budget for the project.

A demo/ testing report will be issued and sent to Region 7. Please feel free to add or suggest alternatives as needed.

I wanted to start this ASAP and will copy the City of Des Moines on the progress, DICO Legal team will notify EPA & DOJ of these communications since I am not authorized to do so.

Thank you

Respectfully

GGeorge

G. George, Ph.D

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